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EXAMINER	
DAO, THUY CHAN	
ART UNIT	**PAPER NUMBER**
2192	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/602,551	MAKOWSKI ET AL.	
	Examiner	Art Unit	
	Thuy Dao	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) *2 and 31* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-30 and 32-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 June 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *01/30/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the amendment filed on January 29, 2007.

2. Claims 1, 3-30, and 32-42 have been examined.

Response to Amendments

3. Per Applicants' request, claims 1, 3-30, and 32-40 have been amended and claims 2 and 31 have been canceled.

4. The objection to drawings is withdrawn in view of Applicants' amendments.

5. The objection to the specification is withdrawn in view of Applicants' amendments.

6. The objection to claims 3, 15, and 29-30 is withdrawn in view of Applicants' amendments.

7. The 35 USC §101 rejection over claims 1-30 and 33-35 is withdrawn in view of Applicants' amendments.

Information Disclosure Statement

8. The Office acknowledges receipt of the Information Disclosure Statement filed on January 30, 2007. It has been placed in the application file and the information referred to therein has been considered by the examiner.

Response to Arguments

9. The Applicants are thanked for a thorough reply. Applicants' arguments have been fully considered. However, they are not persuasive.

Priority (Remarks, pp. 18-21):

For the record, the instant application claims the continuation-in-part benefit of US Patent Application No. 10/179,149 filed on June 24, 2002 (hereinafter '149).

The application also claims priority under Section 119 of US Provisional Application No. 60/471,058 filed on May 16, 2003.

However, as set forth in the previous Office Action mailed November 28, 2006, the priority date June 24, 2002 has not been acknowledged just yet. The application '149 only briefly described "*the underlying functionality of the node*" in the specification

(e.g., page 9: 2-4, page 26: 12-15, and page 29: 24-29), but does not provide full support for the claimed limitations recited, at least in independent claims 1 and 33-40, such as:

"displaying a first node in a graphical program ..."; and

"... *wherein, prior to said associating, the first node comprises one of: a generic read node, a generic write node, and a generic channel creation node"* as recited in claim 7 (dependent on base claim 1) and independent claims 33-40 (emphasis added).

The specification and claims of '149 only direct to "*a timing node*", which do not provide any written description and/or enablement to fully support the claimed limitations in the instant application (i.e., the first node comprises one of a generic read node, a generic write node, and a generic channel creation node, emphasis added).

Accordingly, the examiner respectfully maintains the priority date considered for the instant application is May 16, 2003 (the filing date of US Provisional Application No. 60/471,058).

10. **Art rejection** (Remarks, pp. 22-30):

Applicants' arguments about newly added limitations have been considered but are moot in view of the new ground(s) of rejection. Applicants' amendments necessitated the new ground(s) of rejection presented in this Office action.

Claim Rejections – 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1, 33-36, and 38-40 are rejected under 35 U.S.C. 102(b) as being unpatentable over Kudukoli (art of record, US Patent Publication No. 2001/0024211 A1).

Claim 1:

Kudukoli discloses *a computer-accessible memory medium that stores program instructions executable by a processor to perform:*

displaying a first node in a graphical program, wherein the first node has a first node icon, which is displayed in the graphical program, and wherein the first node icon has a first appearance (e.g., FIG. 13, New VI Object Reference Node, [0213-0221]);

receiving first user input invoking display of a plurality of function type options for the first node; displaying the plurality of function type options for the first node in response to the first user input (e.g., [0215-0216], displaying types of a VI object to create; and FIG. 21);

receiving second user input specifying a function type from the plurality of function type options; determining program instructions based on the second user input, wherein the determined program instructions are executable to provide functionality in accordance with the specified function type; associating the determined program instructions with the first node (e.g., [0217], specifying a specific function type and/or a specific sub-function type of said VI object; and FIG. 22)

wherein, when the first node executes in the graphical program, the determined program instructions are operable to execute to provide the functionality in accordance with the specified function type (e.g., [0213], [0215], [0217], the New VI Object Reference node creates a new VI object with said specified function);

and changing the first node icon to a second appearance based on the second user input, wherein said changing the first node icon to a second appearance includes displaying an image corresponding to the specified function type (e.g., FIG. 25A, section 2, [0278], second appearance displayed for a waveform chart user interface control; FIG. 25B, section 5, [0281], second appearance displayed for a user

interface node; and similar second appearances of the first node icon in FIG. 25A-D, sections 1-13).

Claim 33:

Claims 33 is a read node version (e.g., FIG. 18, Property Node, page 19: [0249-0264]), which recite the same limitations as those of a generic node claim 1, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim, it also teaches all of the limitations of claim 33.

Claim 34:

Claims 34 is a write node version (e.g., FIG. 19, automation invoke node, page 19: [0258-0264]; FIG. 18, Property Node with write setting, [0250-0257]), which recite the same limitations as those of a generic node claim 1, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim, it also teaches all of the limitations of claim 34.

Claim 35:

Claims 35 is a channel creation node version (e.g., FIG. 20, [0265-0270], VI Server front panel refnum control as a channel creation node, which creates either Application, Generic VI, or Strictly-typed Icon with user-specified functionality), which recite the same limitations as those of a generic node claim 1, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim, it also teaches all of the limitations of claim 35.

Claim 36:

Kudukoli discloses *a computer-accessible memory medium that stores program instructions executable by a processor to implement a graphical program node, the graphical program node comprising:*

a node icon operable to be displayed on a display, wherein the node icon has a first appearance; and first program instructions associated with the node icon, wherein the first program instructions are executable to implement: displaying a plurality of function type options for the first node in response to received user input (e.g., [0215-0216], displaying types of a VI object to create; and FIG. 21)*;*

configuring the graphical program node with second program instructions, wherein the second program instructions are based on second user input to the first node specifying a function type from the plurality of function type options (e.g., [0217], specifying a specific function type and/or a specific sub-function type of said VI object; and FIG. 22)*;*

wherein, after said configuring, the graphical program node is executable in a graphical program to perform a specific functionality in accordance with the specified function type (e.g., [0213], [0215], [0217], the New VI Object Reference node creates a new VI object with user-specified functionality)*; and*

changing the node icon to a second appearance based on the second user input wherein said changing the first node icon to a second appearance includes changing the color, shape, and/or design of the first node icon (e.g., FIG. 25A-D, sections 1-13, [0276-0290]).

Claim 38:

Kudukoli discloses *a computer-accessible memory medium that stores program instructions executable by a processor to implement a graphical program node, the graphical program node comprising:*

a node icon operable to be displayed on a display, wherein the node icon has a first appearance; first program instructions associated with the node icon, wherein the first program instructions are executable to implement: displaying a plurality of function type options for the first node in response to received user input (e.g., [0215-0216], displaying types of a VI object to create; and FIG. 21)*;*

selecting second program instructions based on second user input to the first node specifying a function type from the plurality of function type options, wherein

the second program instructions implement a functionality in accordance with the specified function type (e.g., [0217], specifying a specific function type and/or a specific sub-function type of said VI object; and FIG. 22)*;*

associating the second program instructions with the node icon; wherein, after said associating, the graphical program node is executable in a graphical program to perform the functionality (e.g., [0213], [0215], [0217], the New VI Object Reference node creates a new VI object with user-specified functionality)*; and*

changing the node icon to a second appearance based on the second user input, wherein said changing the first node icon to a second appearance includes changing the color, shape, and/or design of the first node icon (e.g., FIG. 25A-D, sections 1-13, [0276-0290]).

Claim 39:

Claim 39 is a system version, which recites the same limitations as those of claim 1, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim, it also teaches all of the limitations of claim 39.

Claim 40:

Claim 40 is a method version, which recites the same limitations as those of claim 1, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim, it also teaches all of the limitations of claim 40.

13. Claim 37 is rejected under 35 U.S.C. 102(b) as being anticipated by Parthasarathy (art of record, US Patent No. 6,064,812).

Claim 37:

Parthasarathy discloses *a computer-accessible memory medium which stores program instructions executable by a processor to perform:*

displaying a first node in a graphical program; receiving first user input invoking display of a plurality of function type options for the first node; displaying the plurality of function type options for the first node in response to the first user input (e.g., FIG. 12, Application/Property, col.17: 3-22; wherein Application/Property node replaces an automation Property node, FIG. 6b, col.16: 29 – col.17: 43)*;*

receiving second user input specifying a function type from the plurality of function type options; determining a second node based on the specified function type; and replacing the first node in the graphical program with the second node, wherein the second node is operable to provide functionality for the graphical program in accordance with the specified function type (e.g., FIG. 17, Application/Workbook, col.20: 23-40; wherein Application/Workbook node replaces an automation invoke node, FIG. 6c, blocks 98b and 122, col.18: 53-67).

Claim Rejections – 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claims 1, 3-30, 32-36, and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parthasarathy in view of US Patent 6,102,965 to Dye et al. (art made of record, hereinafter 'Dye").

Claim 1:

Parthasarathy discloses *a computer-accessible memory medium that stores program instructions executable by a processor to perform:*

displaying a first node in a graphical program (e.g., FIG. 6c, block 98b, col.11: 36 – col.12: 36)*;*

wherein the first node has a first node icon, which is displayed in the graphical program, and wherein the first node icon has a first appearance (e.g., FIG. 12-13, col.17: 3-43; FIG. 7-8, col.12: 29-54);

receiving first user input invoking display of a plurality of function type options for the first node (e.g., FIG. 6c, block 116);

displaying the plurality of function type options for the first node in response to the first user input (e.g., FIG. 6c, block 119);

receiving second user input specifying a function type from the plurality of function type options (e.g., FIG. 6c, block 106b);

determining program instructions based on the second user input, wherein the determined program instructions are executable to provide functionality in accordance with the specified function type (e.g., FIG. 6c, blocks 122-124);

associating the determined program instructions with the first node (e.g., FIG. 6c, blocks 124-126);

wherein, when the first node executes in the graphical program, the determined program instructions are operable to execute to provide the functionality in accordance with the specified function type (e.g., FIG. 6c, block 128); *and*

changing the first node icon to a second appearance based on the second user input corresponding to the specified function type (e.g., FIG. 12, first node icon as Application/Property and FIG. 13, second node icon as Application/Visible, based on the second user input, col.17: 3-43; FIG. 7-8, col.12: 29-54).

Parthasarathy does not explicitly disclose *said changing the first node icon to a second appearance includes displaying an image.*

However, in an analogous art, Dye further discloses *said changing the first node icon to a second appearance includes displaying an image* (e.g.,

col.11: 59 – col.12: 3, user selects a VI Server front panel refnum control, as a first node icon, configures the refnum, and the refnum takes on the respective appearance by the class selected by the user either for Application Icon, Generic VI

Icon, or Strictly-typed VI Icon; first images/appearances displayed in said VI Server front panel refnum control (emphasis added);

FIG. 4, col.11: 40-51, second images/appearances displayed in Application Icon, Generic VI Icon, and Strictly-typed VI Icon (emphasis added);

col.12: 4-16, a plurality of function type options associated with a plurality of Application, Generic VI, or Strictly-typed references/icons, emphasis added).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine the Dye's teaching into Parthasarathy' s teaching. One would have been motivated to do so to provide a respective appearance/image by the class selected by the user and apply said appearance/image to the corresponding icon as suggested by Dye (e.g., col.11: 59 – col.12: 8).

Claim 3:

The rejection of claim 2 is incorporated. Parthasarathy also discloses *said changing the first node icon to a second appearance comprises replacing the first node icon with a second node icon* (e.g., col.17: 3-43).

Claim 4:

The rejection of claim 1 is incorporated. Parthasarathy also discloses *prior to said associating the determined program instructions with the first node, the first node does not have any associated program instructions* (e.g., FIG. 6c, block 98b, new automation invoke node, col.11: 36 – col.12: 36).

Claim 5:

The rejection of claim 1 is incorporated. Parthasarathy also discloses:

prior to said associating the determined program instructions with the first node, the first node is of a default function type of the plurality of function type options, wherein the first node has associated default program instructions in accordance with the default function type, and the wherein the default program instructions implement a first functionality (e.g., col.21: 30-37); *and*

wherein said associating the determined program instructions with the first node comprises replacing the default program instructions with the determined program instructions (e.g., FIG. 6c, block 106b).

Claim 6:

The rejection of claim 1 is incorporated. Parthasarathy also discloses:

said receiving first user input comprises receiving the first user input to the first node (e.g., FIG. 6c, block 116, col.11: 36 – col.12: 36)*; and*

wherein said receiving second user input comprises receiving the second user input to the first node (e.g., FIG. 6c, block 106b).

Claim 7:

The rejection of claim 1 is incorporated. Parthasarathy also discloses *prior to said associating, the first node comprises one of:*

a generic read node (e.g., FIG. 6b, block 98a, col.11: 36 – col.12: 36)*;*

a generic write node (e.g., FIG. 6c, block 98b)*; and*

a generic channel creation node (e.g., FIG. 6a, block 94).

Claim 8:

The rejection of claim 7 is incorporated. Parthasarathy also discloses *after said associating, the first node comprises one of: a specific read node in accordance with the specified function type; a specific write node in accordance with the specified function type; and a specific channel creation node in accordance with the specified function type* (e.g., col.11: 36 – col.12: 36).

Claim 9:

The rejection of claim 1 is incorporated. Parthasarathy also discloses *prior to said associating, the first node comprises one of:*

a generic timing node (e.g., col.15: 64 – col.16: 20, edit-time and run-time automation node)*; and*

a generic triggering node (e.g., col.11: 61 – col.12: 20, automation invoke node).

Claim 10:

The rejection of claim 9 is incorporated. Parthasarathy also discloses *after said associating, the first node comprises one of: a specific timing node in accordance with the specified function type; and a specific triggering node in accordance with the specified function type* (e.g., col.15: 64 – col.16: 20; col.11: 61 – col.12: 20).

Claim 11:

The rejection of claim 1 is incorporated. Parthasarathy also discloses *prior to said associating, the first node comprises a generic read node; and wherein, after said associating, the first node comprises a specific read node in accordance with the specified function type* (e.g., FIG. 6b, col.11: 36 – col.12: 36).

Claim 12:

The rejection of claim 1 is incorporated. Parthasarathy also discloses *prior to said associating, the first node comprises a generic write node; and wherein, after said associating the first node comprises a specific write node in accordance with the specified function type* (e.g., FIG. 6c, col.11: 36 – col.12: 36).

Claim 13:

The rejection of claim 1 is incorporated. Parthasarathy also discloses *prior to said associating, the first node comprises a generic channel creation node; and wherein, after said associating the first node comprises a specific channel creation node in accordance with the specified function type* (e.g., FIG. 6a, col.11: 36 – col.12: 36).

Claim 14:

The rejection of claim 1 is incorporated. Parthasarathy also discloses *determining a second node based on the specified function type, wherein the second node*

comprises the determined program instructions; wherein said associating the determined program instructions with the first node comprises: replacing the first node in the graphical program with the second node, wherein the second node is operable to provide functionality for the graphical program in accordance with the specified function type (e.g., FIG. 12, Application/Property, col.17: 3 - 22; FIG. 17, Application/ Workbook, col.20: 23-40; FIG. 6a, blocks 82-92, col.13: 17-49; FIG. 9, replacing nodes by changing Type Libraries, col.13: 28-49).

Dye also discloses the above limitations (e.g., FIG. 4, replacing the generic refnum control to either application object or VI object (e.g., col.11: 22-51).

Claim 15:

The rejection of claim 14 is incorporated. Parthasarathy also discloses *the first node comprises a first node icon, and wherein said displaying the first node comprises displaying the first node icon* (e.g., FIG. 4, col.9: 37-49).

Claim 16:

The rejection of claim 15 is incorporated. Parthasarathy also discloses *the second node comprises: the first node icon; and the determined program instructions* (e.g., FIG. 14, col.17: 52 – col.18: 41).

Claim 17:

The rejection of claim 15 is incorporated. Parthasarathy also discloses *the second node comprises: a second node icon; and the determined program instructions* (e.g., FIG. 15, col.18: 61 – col.19: 8).

Claim 18:

The rejection of claim 14 is incorporated. Parthasarathy also discloses *the second node is polymorphic* (e.g., FIG.12 and 13, col.17: 3 - 51).

Claim 19:

The rejection of claim 14 is incorporated. Parthasarathy also discloses *the second node is function type switchable* (e.g., FIG. 15, col.18: 61 – col.19: 8).

Claim 20:

The rejection of claim 14 is incorporated. Parthasarathy also discloses:

the first node comprises one of: a generic read node; a generic write node; and a generic channel creation node; and the second node comprises one of: a specific read node in accordance with the specified function type; a specific write node in accordance with the specified function type; and a specific channel creation node in accordance with the specified function type (e.g., col.11: 36 – col.12: 36).

Claim 21:

The rejection of claim 14 is incorporated. Parthasarathy also discloses *the first node comprises one of: a generic timing node; and a generic triggering node; and wherein the second node comprises one of: a specific timing node in accordance with the specified function type; and a specific triggering node in accordance with the specified function type* (e.g., col.11: 36 – col.12: 36).

Claim 22:

The rejection of claim 14 is incorporated. Parthasarathy also discloses *the first node comprises a generic read node; and wherein the second node comprises a specific read node in accordance with the specified function type* (e.g., FIG. 6b, col.11: 36 – col.12: 36).

Claim 23:

The rejection of claim 14 is incorporated. Parthasarathy also discloses *the first node comprises a generic write node; and wherein the second node comprises a specific write node in accordance with the specified function type* (e.g., FIG. 6c, col.11: 36 – col.12: 36).

Claim 24:

The rejection of claim 14 is incorporated. Parthasarathy also discloses *the first node comprises a generic channel creation node; and wherein the second node comprises a specific channel creation node in accordance with the specified function type* (e.g., FIG. 6a, col.11: 36 – col.12: 36).

Claim 25:

The rejection of claim 14 is incorporated. Parthasarathy also discloses *the first node comprises a generic timing node; and wherein the second node comprises a specific timing node in accordance with the specified function type* (e.g., col.15; 64 – col.16: 20).

Claim 26:

The rejection of claim 14 is incorporated. Parthasarathy also discloses *the first node comprises a generic triggering node; and wherein the second node comprises a specific triggering node in accordance with the specified function type* (e.g., col.11: 61 – col.12: 20).

Claim 27:

The rejection of claim 1 is incorporated. Parthasarathy also discloses *the first node is polymorphic* (e.g., col.17: 3-51).

Claim 28:

The rejection of claim 1 is incorporated. Parthasarathy also discloses *the first node is function type-switchable* (e.g., col.18: 61 – col.19: 8).

Claim 29:

The rejection of claim 1 is incorporated. Parthasarathy also discloses *the first node is function class-switchable* (e.g., col.18: 61 – col.19: 8).

Claim 30:

The rejection of claim 1 is incorporated. Parthasarathy also discloses *receiving user input selecting the first node, wherein said displaying the first node in the graphical program is performed in response to said receiving user input selecting the first node* (e.g., col.9: 37-49).

Claim 32:

The rejection of claim 1 is incorporated. Parthasarathy also discloses *a programmable hardware element* (e.g., col.8: 28-43).

Claim 33:

Claims 33 is a read node version (e.g., FIG. 6b, property node), which recite the same limitations as those of a generic node claim 1, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim, it also teaches all of the limitations of claim 33.

Claim 34:

Claims 34 is a write node version (e.g., FIG. 6c, automation invoke node), which recite the same limitations as those of a generic node claim 1, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim, it also teaches all of the limitations of claim 34.

Claim 35:

Claims 35 is a channel creation node version (e.g., FIG. 6a, automation class refnum node), which recite the same limitations as those of a generic node claim 1, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim, it also teaches all of the limitations of claim 35.

Claim 36:

Parthasarathy discloses *a computer-accessible memory medium that stores program instructions executable by a processor to implement a graphical program node, the graphical program node comprising:*

a node icon operable to be displayed on a display, wherein the node icon has a first appearance (e.g., FIG. 6c, block 98b, col.11: 36 – col.12: 36; FIG. 12-13, col.17: 3-43; FIG. 7-8, col.12: 29-54)*; and*

first program instructions associated with the node icon (e.g., FIG. 6c, block 116)*, wherein the first program instructions are executable to implement:*

displaying a plurality of function type options for the first node in response to received user input (e.g., FIG. 6c, blocks 116-119)*;*

configuring the graphical program node with second program instructions, wherein the second program instructions are based on second user input to the first node specifying a function type from the plurality of function type options (e.g., FIG. 6c, blocks 106b, 122-126)*;*

wherein, after said configuring, the graphical program node is executable in a graphical program to perform a specific functionality in accordance with the specified function type (e.g., FIG. 6c, blocks 124-128)*; and*

changing the node icon to a second appearance based on the second user input (e.g., FIG. 12-13, col.17: 3-43; FIG. 7-8, col.12: 29-54).

Parthasarathy does not explicitly disclose *said changing the first node icon to a second appearance includes changing the color, shape, and/or design of the first node icon.*

However, in an analogous art, Dye further discloses *said changing the first node icon to a second appearance includes changing the color, shape, and/or design of the first node icon* (e.g.,

col.11: 59 – col.12: 3, user selects a VI Server front panel refnum control, as a first node icon, configures the refnum, and the refnum takes on the respective appearance by the class selected by the user either for Application Icon, Generic VI

Icon, or Strictly-typed VI Icon; first images/appearances displayed in said VI Server front panel refnum control (emphasis added);

FIG. 4, col.11: 40-51, second images/appearances displayed in Application Icon, Generic VI Icon, and Strictly-typed VI Icon (emphasis added);

col.12: 4-16, a plurality of function type options associated with a plurality of Application, Generic VI, or Strictly-typed references/icons, emphasis added).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine the Dye's teaching into Parthasarathy' s teaching. One would have been motivated to do so to provide a respective appearance/image by the class selected by the user and apply said appearance/image to the corresponding icon as suggested by Dye (e.g., col.11: 59 – col.12: 8).

Claim 38:

Parthasarathy discloses *a computer-accessible memory medium that stores program instructions executable by a processor to implement a graphical program node, the graphical program node comprising:*

a node icon operable to be displayed on a display, wherein the node icon has a first appearance (e.g., FIG. 12-13, col.17: 3-43; FIG. 7-8, col.12: 29-54);

first program instructions associated with the node icon (e.g., FIG. 6c, block 98b, col.11: 36 – col.12: 36), *wherein*

the first program instructions are executable to implement: displaying a plurality of function type options for the first node in response to received user input (e.g., FIG. 6c, block 116);

selecting second program instructions based on second user input to the first node specifying a function type from the plurality of function type options (e.g., FIG. 6c, blocks 116-119),

wherein the second program instructions implement a functionality in accordance with the specified function type (e.g., FIG. 6c, blocks 106b, 122-126);

associating the second program instructions with the node icon; wherein, after said associating, the graphical program node is executable in a graphical program to perform the functionality (e.g., FIG. 6c, blocks 124-128)*; and*

changing the node icon to a second appearance based on the second user input (e.g., FIG. 12-13, col.17: 3-43; FIG. 7-8, col.12: 29-54).

Parthasarathy does not explicitly disclose *said changing the first node icon to a second appearance includes changing the color, shape, and/or design of the first node icon.*

However, in an analogous art, Dye further discloses *said changing the first node icon to a second appearance includes changing the color, shape, and/or design of the first node icon* (e.g., e.g.,

col.11: 59 – col.12: 3, user selects a VI Server front panel refnum control, as a first node icon, configures the refnum, and the refnum takes on the respective appearance by the class selected by the user either for Application Icon, Generic VI Icon, or Strictly-typed VI Icon; first images/appearances displayed in said VI Server front panel refnum control (emphasis added);

FIG. 4, col.11: 40-51, second images/appearances displayed in Application Icon, Generic VI Icon, and Strictly-typed VI Icon (emphasis added);

col.12: 4-16, a plurality of function type options associated with a plurality of Application, Generic VI, or Strictly-typed references/icons, emphasis added).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine the Dye's teaching into Parthasarathy' s teaching. One would have been motivated to do so to provide a respective appearance/image by the class selected by the user and apply said appearance/image to the corresponding icon as suggested by Dye (e.g., col.11: 59 – col.12: 8).

Claim 39:

Claim 39 is a system version, which recites the same limitations as those of claim 1, wherein all claimed limitations have been addressed and/or set forth above.

Therefore, as the reference teaches all of the limitations of the above claim, it also teaches all of the limitations of claim 39.

Claim 40:

Claim 40 is a method version, which recites the same limitations as those of claim 1, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim, it also teaches all of the limitations of claim 40.

Claims 41 and 42:

The rejection of claim 40 is incorporated. Claims 41 and 42 are method version, which recite the same limitations as those of claims 7 and 27, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claims, it also teaches all of the limitations of claims 41 and 42.

Conclusion

16. Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone is (571) 272 8570. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday from 6:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Dao

TUAN DAM
SUPERVISORY PATENT EXAMINER